

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

FEIN, SUCH, KAHN & SHEPARD, P.C.

Counsellors at Law
7 Century Drive - Suite 201
Parsippany, New Jersey 07054
(973) 538-9300
Attorneys for Secured Creditor
SELECT PORTFOLIO SERVICING, INC., as
servicer for DEUTSCHE BANK NATIONAL
TRUST COMPANY, AS TRUSTEE FOR LONG
BEACH MORTGAGE LOAN TRUST 2006-1
R.A. LEBRON, ESQ.
SPS587
bankruptcy@feinsuch.com

In Re:

RODNEY W. BROWN and KATHLEEN M. BROWN
aka KATHLEEN M. DICKINSON

Debtor(s).

Case No.: 18-28694 ABA

Adv. No.:

Chapter: 13

Hearing Date:

Judge: Hon. Andrew B. Altenburg,
Jr.

**RESPONSE TO TRUSTEE'S OBJECTION
TO MOTION TO AUTHORIZE LOAN
MODIFICATION AGREEMENT**

I, R.A. LEBRON, ESQ., do hereby certify as follows:

1. I am an attorney at law of the State of New Jersey associated with the law firm of FEIN, SUCH, KAHN & SHEPARD, P.C., attorneys for SELECT PORTFOLIO SERVICING, INC., as servicer for DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR LONG BEACH MORTGAGE LOAN TRUST 2006-1, (herein, "Secured Creditor"), and I am fully familiar with the facts and circumstances of the within matter.

2. A Motion to Approve Loan Modification (herein, "Motion") was filed by Secured Creditor on April 14, 2020.

3. On April 15, 2020, a Limited Objection (herein, "Limited

Objection") was filed by Isabel C. Balboa, Chapter 13 Standing Trustee.

4. Per the Limited Objection, "[t]he Trustee respectfully requests the secured creditor be required to submit an amended proposed Order to the Judge's chambers in accordance with the Local Mandatory Forms effective December 17, 2019."

5. Secured Creditor submits a revised proposed *Order on Motion for Authorization to Enter into Final Loan Modification Agreement (Chapter 13)* attached to this response.

6. For the reasons stated above, and for any others that the Court deems fit to adopt, Secured Creditor believes the revised proposed order resolves the Limited Objection and respectfully requests entry of the *Order on Motion for Authorization to Enter into Final Loan Modification Agreement (Chapter 13)* attached hereto.

7. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

FEIN, SUCH, KAHN & SHEPARD, P.C.
Attorneys for Secured Creditor

/s/ R.A. Lebron, Esq.
R.A. LEBRON, ESQ.

DATED: April 23, 2020

cc: AMY L. KNAPP - DEBTOR(S)' ATTORNEY
ISABEL C. BALBOA - TRUSTEE

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Attorneys for Select Portfolio Servicing, Inc., as
servicer for Deutsche Bank National Trust Company, as
Trustee, in trust for registered Holders of Long Beach
Mortgage Loan Trust 2006-1, Asset-Backed
Certificates, Series 2006-1

R.A. LEBRON, ESQ.



In Re:

RODNEY W BROWN and KATHLEEN M BROWN
aka KATHLEEN M. DICKINSON

Case No.: 18-28694 ABA

Chapter: 13

Judge: Altenburg

**ORDER ON MOTION FOR AUTHORIZATION
TO ENTER INTO FINAL LOAN MODIFICATION AGREEMENT
(CHAPTER 13)**

The relief set forth on the following page is **ORDERED**.

The Court having reviewed the Motion for Authorization to Enter into Final Loan Modification Agreement filed on April 14, 2020, as to the first (1st) mortgage [*enter first, second, third, etc.*] concerning real property located at 2 LACY COURT, CLAYTON, NJ 08312, and the Court having considered any objections filed to such motion, it is hereby ORDERED that:



The debtor is authorized to enter into the final loan modification agreement.

1) The loan modification must be fully executed no later than 14 days from the date of this order. If it is not, the secured creditor, within 14 days thereafter, must file with the Court and serve on the debtor, debtor's attorney, if any, and the standing trustee a Certification indicating why the agreement was not fully executed. A response by the debtor, if any, must be filed and served within 7 days of the filed date of the secured creditor's Certification; and

2) Upon the filing of the Certification required above, and absent a response from the debtor, the standing trustee may disburse to the secured creditor all funds held or reserved relating to its claim. Absent the filing of the Certification within the time frame set forth above, the standing trustee will disburse funds on hand to other creditors pursuant to the provisions of the confirmed Plan and any proof of claim filed in this case with respect to the mortgage is deemed modified and incorporated into the Loan Modification Agreement; and

3) Unless the debtor's Plan has been confirmed with 100% paid to unsecured creditors, the debtor must file a *Modified Chapter 13 Plan and Motions* within 14 days of consummation of the loan modification. If the loan modification results in material changes in the debtor's expenses, the debtor must also file amended Schedules I and J within 14 days of the date of this Order; and

4) Check one:



There is no order requiring the debtor to cure post-petition arrears through the Plan; or



Post-petition arrears are capitalized into the loan modification agreement, and the Order filed on _____ requiring the Standing Trustee to make payments based on the arrearage is vacated as of the date of this order; or



Post-petition arrears have not been capitalized into the loan modification agreement, and the Standing Trustee will continue to make payments to the secured creditor based on the Order filed on _____; and

5) If fees and costs related to loss mitigation/loan modification are sought by the debtor's attorney, an Application for Compensation in compliance with D.N.J. LBR 2016-1 must be filed.



The Motion for Authorization to Enter into Final Loan Modification Agreement is denied.

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Debtor(s).

Case No.: 18-28694 ABA

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Chapter: 13

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CERTIFICATION OF SERVICE

1. I, Tracy Wilkins:

☐ represent the _____ in this matter.

☒ am the secretary/paralegal for FEIN, SUCH, KAHN & SHEPARD, P.C.,
who represents the Secured Creditor, SELECT PORTFOLIO SERVICING,
INC., as servicer for DEUTSCHE BANK NATIONAL TRUST COMPANY, AS
TRUSTEE FOR LONG BEACH MORTGAGE LOAN TRUST 2006-1 in this matter.

☐ am the _____ in the above case and am
representing myself.

2. On April 23, 2020, This office caused to be mailed a copy of the
following pleadings and/or documents to the parties listed in the
chart below:

- a. Response to Trustee's Objection to Motion to Authorize Loan
Modification Agreement and revised Proposed Order.

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Amy L Knapp Law Offices of Lee M. Perlman 1926 Greentree Road Suite 100 Cherry Hill, NJ 08003	Debtor(s)' Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other: <u>Notice of Electronic Filing</u> (D.N.J. LBR 5005-1)
Isabel C. Balboa Chapter 13 Standing Trustee Cherry Tree Corporate Center 535 Route 38 - Suite 580 Cherry Hill, NJ 08002	Trustee in Bankruptcy	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other: <u>Notice of Electronic Filing</u> (D.N.J. LBR 5005-1)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other: <u>Notice of Electronic Filing</u> (D.N.J. LBR 5005-1)
Rodney W Brown Kathleen M Brown 2 Lacy Court Clayton, NJ 08312	Debtor(s)	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other: <u>Notice of Electronic Filing</u> (D.N.J. LBR 5005-1)

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: April 23, 2020

/s/ Tracy Wilkins

Legal Assistant